

PLANNING COMMITTEE REPORT

Development Management Service
Planning and Development Division
Environment and Regeneration
Department

PLANNING SUB-COMMITTEE A	AGENDA ITEM NO: B9
Date: 4 th September 2017	NON-EXEMPT

Application number	P2017/0922/ADV
Application type	Advertisement Consent
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Local Cycle Route Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell
Licensing Implications	None
Site Address	Pavement outside 169-173 Old Street, Islington, London, EC1V
Proposal	Advertisement consent for the internally illuminated advertisement screens to two sides of the BT phone link structure.

Case Officer	Emily Benedek
Applicant	Mr Neil Scoresby (BT)
Agent	Mr Matt Swindles (Primesight Ltd)

1 RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission

- subject to the conditions set out in Appendix 1 of the original report attached;

2. REASONS FOR DEFERRAL

- 2.1 This application was originally discussed at the Planning A Sub-Committee meeting on 3 July 2017. Members decided to defer the application as it was considered that a site visit to Camden to view the the actual appearance of the link units in an urban setting would be more informative than the submitted drawings and plans.
- 2.2 Members were also advised at the meeting that a decision on a prior approval application was required within 56 days of the application being receive or prior approval is otherwise secured by default. In order to achieve a decision within this timeframe, such a decision would be taken under authority to either the Service Director, Head of Development Management or the Deputy Head.
- 2.3 Members were concerned that prior approval should be determined before the advertisement is considered as the concerns related to procedural order being a crucial issue. Following this the applicants submitted 11 prior approval applications with the council for all of the 11 committee cases.

3. PRIOR APPROVAL LEGISLATION

- 3.1 As stated at the committee meeting on 3 July 2017, prior approval is also required for the erection of the telecommunication structures. The relevant section of legislation is the Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2016. Section A part 7 of this legislation states that planning permission would be required for:

(7) Development consisting of the installation, alteration or replacement of any electronic

communications apparatus other than—

(a) a mast;

(b) an antenna;

(c) a public call box;

(d) any apparatus which does not project above the level of the surface of the ground;

or

(e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

- 3.2 Therefore, whilst the installation of a public call box does not require express planning permission it is subject to conditions. The conditions for permitting such development subject to the conditions set out in paragraph A.3 of Town and Country Planning (General Permitted Development) (England) (Amendment) (No 2) Order 2016 which states as follow:

(iii) the construction, installation, alteration or replacement of—

(aa) a public call box; or

(bb) radio equipment housing, where the volume of any single development exceeds 2.5 cubic metres,

is permitted subject, except in case of emergency (in which case only paragraph A.3(12)

applies), to the conditions set out in paragraph A.3 (prior approval). Therefore, prior approval is required for these structures which the local authority is required to assess with regards to their siting and appearance.

4 UPDATES FOLLOWING COMMITTEE 3RD JULY 2017

- 4.1 A site visit to view the existing BT link units on Camden High Street, was carried out on 10 August 2017 with Members and officers in attendance.
- 4.2 A prior approval application (reference no P2017/2673/PRA) for the installation of a free-standing telecommunications structure (Link Unit) on this site was submitted to the Council on 6 July 2017. The neighbour consultation period expired on 10 August 2017. No comments were received from members of the public in respect of this application. The prior approval application has been determined and was approved on 18 August 2017. Therefore the phone link unit structure has permission to be erected and the current advertisement application is only seeking advertisement consent for use on this approved BT phone link unit.
- 4.3 No further objections have been received in respect of this application since the previous report was published.
- 4.4 Members are therefore asked to consider this advertisement application in terms of amenity and public safety. The recommendation remains as per the previous report attached in Appendix 1.

5. CONCLUSION

- 5.1 The Committee is therefore asked to resolve to **GRANT** advertisement consent subject to the conditions set out in Appendix 1 of the original report.

Appendix 1

PLANNING COMMITTEE REPORT

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PLANNING SUB-COMMITTEE A		
Date:	3rd July 2017	NON-EXEMPT

Application number	P2017/0922/ADV
Application type	Advertisement Consent
Ward	Bunhill Ward
Listed building	Not listed
Conservation area	N/A
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Local Cycle Route Major Cycle Route Finsbury Local Plan Area – Bunhill & Clerkenwell
Licensing Implications	None
Site Address	Pavement outside 169-173 Old Street, Islington, London, EC1V
Proposal	Installation of a free standing internet/wifi/ telephone structure known as a 'link unit', with internally illuminated advertisement screens to two sides.

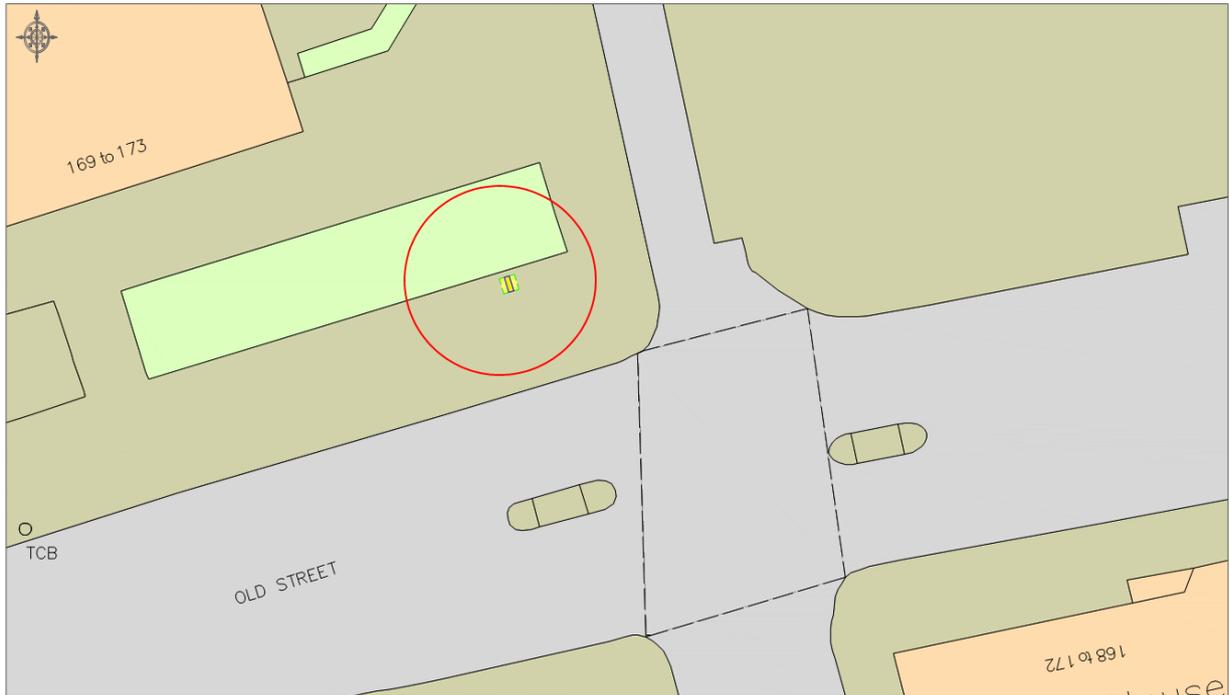
Case Officer	Emily Benedek
Applicant	Mr Neil Scoresby (BT)
Agent	Mr Matt Swindles (Primesight Ltd)

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** advertisement consent:

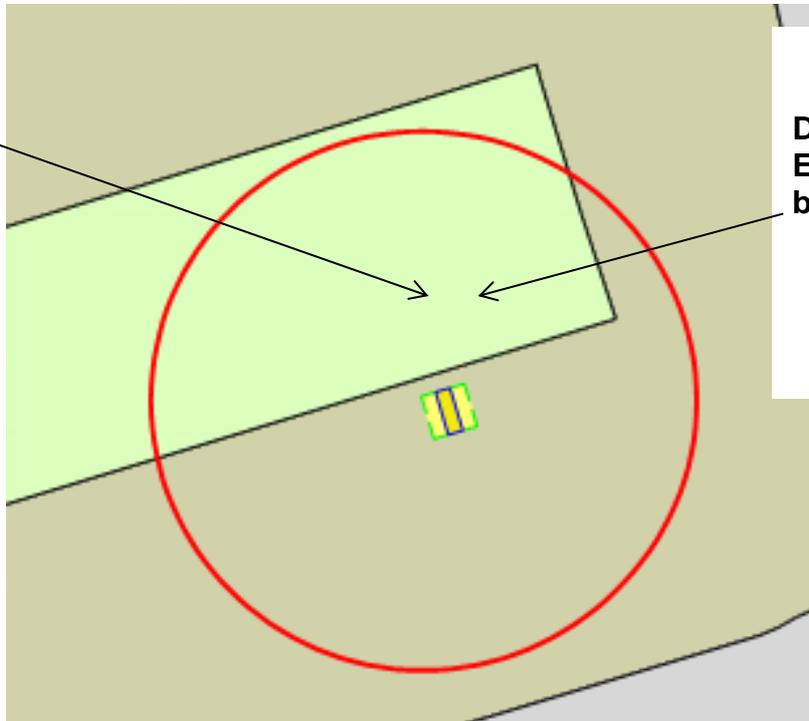
1. Subject to the conditions set out in Appendix 1.

2. SITE LOCATION (circled in black)



**Solid
rectangle =
Proposed link
unit**

**Dashed outline =
Existing phone
box**



3. PHOTOS OF SITE/STREET

Location of Site



Image 1: Street view of the site

Location of Site



Image 2: View of existing BT phone box looking east along Old Street towards Old Street roundabout

Location of Site



Image 3: View of existing BT phone box looking west along Old Street towards St Lukes Close



Images 4 and 5: Existing Photograph of Site and Proposed CGI Image

4. SUMMARY

- 4.1 This application forms part a wider scheme across London to replace traditional British Telecom telephone boxes with new monolithic internet/wifi/ telephone structures known as 'link units'. 63 advertisement consent applications for these link units were submitted for various sites across Islington; 11 are recommended for approval and 52 were recommended for refusal but were subsequently withdrawn.

- 4.2 The new telephone link units would contain internally illuminated advertisements to two sides. Planning permission is not required for the link unit structures themselves; however advertisement consent is required for illuminated advertisement screens. The application is brought to committee at Councillor Klute's request.
- 4.3 Should advertisement consent be granted, it would secure the removal of two existing BT phone boxes for each new link unit installed via condition.
- 4.4 The main issues arising from this advertisement consent application are the impact of the advertisements on amenity and highways safety.
- 4.5 It is considered, given the commercial character of the area, the presence of adjacent internally illuminated shopfront fascia signs, the scale of surrounding built form and the location of the site which is not within a conservation area or within the setting of any heritage assets, that the proposed advertisements, by reason of their size, height, siting and method of illumination, would have an acceptable impact on the visual amenity of the locality.
- 4.6 The advertisements, by reason of their placement away from residential windows and restricted luminance at night would not result in any undue light pollution to the neighbouring occupiers. With regards to public safety, the advertisements, by reason of their distance from other illuminated pavement advertisements and subject to conditions restricting the frequency, type and luminance of the displays, would have an acceptable impact on the safety of users of the footway and carriageway.
- 4.7 For the above reasons the recommendation to the sub-committee is to resolve to grant advertisement consent subject to planning conditions.

5. SITE AND SURROUNDING

- 5.1 The application site is the pavement outside 169-173 Old Street at the junction with Bath Street which currently contains an existing BT phone box. The phone box is located on a wide stretch of pavement adjacent to a low boundary wall which separates Nos 169-173 Old Street from the main thoroughfare. The properties immediately surrounding the site are predominantly two storeys in height and used for commercial purposes, although there are also a number of tall buildings reaching up to eight storeys in height in the immediate locality. The property is not located in a conservation area and the immediate surrounding properties are not listed. The surrounding area is of mixed character.

6. PROPOSAL (in Detail)

- 6.1 Advertisement consent is sought for the installation of two internally illuminated advertisement screens, which would attach to either side of a freestanding internet/wifi/telephone structure known as a 'link unit'.
- 6.2 The proposed link unit itself would be a 'monolithic' structure which would measure 0.787 metres in width at the ground level and 0.889 metres in width at the top of the unit. The structure would be sited in exactly the same position as the existing phone box on the site, as shown on the site plan and photographs in Section 2 above. It would have an overall depth of 0.28 metres and would measure 2.9 metres in height. The link unit would house a touch screen and key pad and would facilitate free UK landline and mobile phone calls, Wi-Fi and emergency and civic services.



Image 6: Design of proposed link unit

- 6.3 The proposed internally illuminated advertisements would be located to either side of the link unit structure at a height of 1.35 metres above ground level. The proposed adverts would measure 1.215 metres in height and 0.689 metres in width. It is proposed that the illumination levels will be a maximum of 2,500cd/m during the day and will be reduced to 300cd/m between dawn and dusk.

7. RELEVANT HISTORY:

PLANNING APPLICATIONS:

- 7.1 Pavement opposite 130 Old Street (100m from the site):

P2017/1618/ADV – Retrospective application for the erection of 3no. non-illuminated signs displayed on the free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. Awaiting determination.

- 7.2 Pavement opposite 130 Old Street (100m from the site):

P2017/1566/FUL - Retrospective application for a free-standing solar-powered Smart Bench featuring four branding surfaces and a customer interface. Awaiting determination.

- 7.3 P2015/3053/ADV - Pavement area outside 65-108 Newland Court (50m from the site): Display of double sided advertisement on bus shelter (internally illuminated and static), to be displayed on relocated bus shelter from outside 207 Old Street to new location 24metres west along Old Street. Approved (29/05/2015)

- 7.4 Royal Mail House, 148 Old Street (25m from the site):

P2016/2313/ADV - Erection of temporary construction hoarding containing advertisements. Approved (25/07/2016)

- 7.5 Bus shelter outside Kersella House, 184-186 Old Street (75m from the site):
P2015/3843/ADV – Installation of a double-sided freestanding Forum Structure, featuring 1 x Digital 84" screen on one side and a static poster advertisement panel on the reverse. Approved (17/11/2015)
- 7.6 Wall adjoining Steadman Court, 165 Old Street (40m from the site):
P111249 – Application to vary the wording of condition 3 (duration of which artwork can remain in situ) of planning permission ref: P101364, dated 22/09/11 for the: 'Installation of a memorial comprising an artistic mural'. Approved (05/08/2011)
- 7.7 Wall adjoining Steadman Court, 165 Old Street (40m from the site):
P2017/0203/S73 – Section 73 application to vary Condition 2 (Duration of which artwork can remain in situ) of planning permission P111249, dated 05 August 2011 for the existing mural to be displayed for an additional 2 years. Approved (25/04/2014)

ENFORCEMENT:

- 7.8 None.

PRE-APPLICATION ADVICE:

- 7.9 None.

8. CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of adjoining and nearby properties on Old Street on 16 March 2017. A site notice was also displayed on 23 March 2017. The public consultation on the application ended on 13 April 2017.
- 8.2 It is the Council's practice to continue to consider representations made up until the date of a decision. At the time of writing of this report no letters of objections had been received from the public with regard to the application.

External Consultees

- 8.3 **Metropolitan Police:** With regards to the unit itself, the proposed unit would be on an arterial route and would not block any sight lines or have a negative impact on natural surveillance. The overall design is a significant improvement on the existing Telephone Kiosk as it removes one of the most common issues with the TK, which is that a TK provides some shelter – which leads to anti-social use of the TK such as rough sleeping.

No objection with regards to the advertisements themselves.

Internal Consultees

- 8.4 **Design and Conservation:** The advertisements would, by reason of their excessive size and height above ground level height, their prominent siting adjacent to the highway and the proposed internally method of illumination, would be highly visible when viewed from the public realm, drawing the eye to them and detracting from the

surrounding building/ street scape. The advertisements would, as such, be detrimental to the visual amenity of the area and would result in unacceptable visual clutter.

- 8.5 **Economic Development and Projects:** Raised concerns regarding the lack of information regarding the method of access/ frequency of servicing of the link units and the impact that servicing may have on the safe and efficient operation of the transport infrastructure.
- 8.6 **Communications and Change:** No comment.
- 8.7 **Environment, Policy, Pollution and Projects:** With regards to light nuisance, the EPPP team advise that light levels from the illuminated adverts should follow the guidance in the 'Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals' to avoid light spill.
- 8.8 **Officers note:** Daytime luminance levels would be restricted by condition to 2500 cdm², in line with the Professional Lighting Guide. Night time luminance levels would be restricted by condition to 300cdm², which is half as bright as the 600cdm² advised in the Professional Lighting Guide.
- 8.9 **Lighting and Streetworks (Highways):** As the location of existing phone boxes are being used, no objections are raised from an electrical supply point of view.
- 8.10 **Maintenance (Highways):** Concern that a number of companies of choosing similar locations for advertisements and that this would detract from the street scape.

Interested Parties

- 8.11 **The Islington Society:** Concern relating to the difficulties of managing the large volume of similar advertisement applications being submitted to the council. Objection to the size, prominent siting and additional street clutter that the advertisements would cause. The 'public services' provided by the kiosks are overstated
- 8.12 **Better Archway Forum:** **The advertisements are inappropriately large and unnecessary** to provide the public services offered by the kiosks. Potential for an increase in antisocial behaviour and phone snatching. The structures themselves are higher than the existing phone boxes they would replace and are excessive in size. Concern that the kiosks would not be properly maintained.

9. RELEVANT POLICIES

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents.

National Policy and Guidance

- 9.1 The National Planning Policy Framework 2012 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

Development Plan

- 9.2 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

Supplementary Planning Guidance (SPG) / Document (SPD)

- 9.3 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

10. ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:

- Background
- Legislation
- Amenity
- Highways Safety
- Other Matters

Background

- 10.2 This application forms part a wider scheme across London to replace traditional British Telecom telephone boxes with new monolithic telephone structures known as 'link units'. The link units would contain internally illuminated advertisements on two sides.
- 10.3 The existing phone boxes are in a dilapidated state of repair. They are prone to graffiti and their enclosed design provokes anti-social behaviour. The street facing elevations of the boxes display non-illuminated advertisements. However these are not protected by an outer protective casing and as such are prone to peeling off, which adds to their undesirable appearance. The phone boxes, being located on the pavement, are highly visible to users of the pavement and carriageway and, in their current condition; do not contribute in a positive manner towards the character and appearance of the street scene.
- 10.4 The proposed link units, unlike the phone boxes they would replace, would not be enclosed and for this reason the metropolitan police have stated that the overall design would be a significant improvement, as it would remove some of the most common issues surrounding the standard telephone boxes, including anti-social behaviour and rough sleeping.
- 10.5 The proposed link units would provide a far greater range of services to the public than the phone boxes they would replace. Users can make free telephone calls to UK landline and mobile numbers using the touchscreen and keypad. A loudspeaker is integrated into the device, or for more private calls headphones can be used. Mobile phone users can link into the unit's public Wi-Fi, which would have a radius spread of 45m. There would be 2 USP ports for mobile phone charging and a 'one touch' emergency services button. The touchscreen can be used to access maps, directions and local services. Additionally, the touch screen would be sited at 1220m above ground level and would therefore be fully wheelchair accessible.
- 10.6 The link units would contain digital display advertisements on two sides. These advertisements are the subject of this application and would produce the revenue required to fund the free services provided to the public. The applicant's agent has

confirmed that 5% of the 'advertisement space' would be available, free of charge, for the local authority to advertise public services.

Legislation

- 10.7 Whilst the above summary explains the background to the scheme, it is important to note that the link unit structure itself does not require planning permission. This is outlined in Part 16 of Schedule 2 Class A.1 (7) of the General Permitted Development Order (2016), which states that permission is required for development consisting of the installation, alteration or replacement of any electronic communications apparatus, other than (c) a public call box (providing that the ground or base area of the structure would measure less than 1.5sqm). In this regard, the link unit structure forms permitted development.
- 10.8 The legislation relevant to the assessment and determination of applications for Advertisement Consent is the 'Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)'. These regulations make clear that not all advertisements require 'express consent', otherwise known as Advertisement Consent. Schedule 3 'Classes of Advertisement for which deemed consent is granted' sets out those instances where advertisement consent is not required. Part 1 'Specified Classes and Conditions', Class 16 'Advertisements on telephone kiosks' wording is set out below, however, the advertisements proposed here do not fall under this class because they would be illuminated, nor do they fall under any other class in Schedule 3 or Schedule 1 of the regulations. Express consent for the advertisements is therefore required.

Class 16 and Conditions —

(1) No advertisement may be displayed in an Area of Outstanding Natural Limitations Beauty, a conservation area, a National Park, the Broads or an area of special control.

(2) Illumination is not permitted.

(3) Subject to paragraph (4), with the exception of the name of the electronic communications code operator, its trading name or symbol, no advertisement may be displayed on more than one face of the kiosk.

(4) Where three or more kiosks are sited in a row or group, the display of an advertisement on any face of one kiosk shall preclude the display of an advertisement on the face of any adjacent kiosk.

PART 2 – Interpretation:

“telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.

- 10.9 Regulation 3 of Part 1 requires that local planning authorities assess applications for express consent in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and other relevant factors. An excerpt of the regulation is set out below:

Powers to be exercised in the interests of amenity and public safety

3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and

(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Amenity

- 10.10 Amenity, as defined by the Advert Regulations, includes the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural interest.
- 10.11 The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity as well as public safety, taking account of cumulative impacts.
- 10.12 Local policy reinforces the legislation and national policy aims. Core Strategy policy CS8 (Enhancing Islington's character) states that the scale of development should reflect the character of the area. Core strategy policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment.
- 10.13 Development management policy DM6.2 states that advertisements are required to be of the highest possible standard and contribute to an attractive environment. They must not contribute to clutter or a loss of amenity and should be sensitive in visual appearance to its siting and the surrounding street scene. Signage should also not cause visual intrusion by virtue of light pollution into adjoining residential properties.
- 10.14 This application proposes the addition of two advertisement panels, located on the eastern and western elevations of a new link unit which would be sited outside 169-173 Old Street. The proposed link unit would replace a single BT telephone box in the same location.
- 10.15 The proposed advertisements would differ from those on the existing phone box in that they would be internally illuminated with digital displays. The advertisements would be 689mm wide and 1215mm high and would be sited 1.35m above ground level.

- 10.16 The area immediately surrounding the site is commercial in nature. Old Street is a busy thoroughfare leading to Old Street Roundabout. The buildings on the west side of Old Street closest to the application site date from the 1960s/70s and are of no particular cultural or historic merit. These buildings are 2 storeys high and used for commercial purposes. Newland Court is an 8 storey building located immediately to the north of the site with commercial units on the ground floor and residential units above. The application site is seen within the context of this building when viewed looking east towards Old Street. There are no listed buildings within the vicinity. Consequently, the new displays would be seen in close association with nearby shops where a wide variety of signs are displayed, some of which are illuminated and in close association with the 8 storey modern building to the west. It should also be noted that Royal Mail House immediately opposite the site is currently undergoing renovations and extensions and will be development into an 8 storey property. Illuminated advertisements are considered to be an appropriate form of development in principle in this urban commercial landscape.
- 10.17 With regards to an assessment of the size, siting and height of the adverts, the councils Design and Conservation officer considers that the adverts would be excessive in size, unduly visually prominent and out of keeping with the street scene. Whilst the concerns of the officer are noted and were duly considered in the assessing the application, it is not agreed that the advertisements would lead to undue visual clutter, or be out of scale in this commercial location. The following paragraphs consider the application on those grounds.
- 10.18 The site context is relevant here. The proposed advertisements would be lower in height than the shopfront fascia signs that sit adjacent to the site and similar in height to the bus stop advertisements seen in various locations around the Borough. In addition, the pavement is exceptionally wide in this location, providing relief between the advertisement and the carriageway. There is an existing planted area with large trees which separates the phone box from the commercial units to the rear and provides a break in the wide expanse of pavement between the shops and the road. Overall, it is considered that the advertisements would appear modest in size and height and would be in keeping with the scale of the surrounding built form. They would as such neither dominate the street scene nor appear unduly obtrusive in light of the existing illuminated street furniture and shopfronts.
- 10.19 It is important to note here that a condition on the consent would require the removal of the existing phone box prior to commencement of the works and also the removal of an additional phone box approximately 215m to the north of the site on the corner of Bath Street and Galway Street, prior to the commencement of the works. There would as such be a net loss in the amount of street furniture, and therefore clutter, in the immediate vicinity of the site and the wider Old Street street scene. Indeed, the development would improve the overall appearance of the streetscene in that it would secure, if implemented, the removal of an unused, unsightly phone box which attracts anti-social behaviour and the installation of a sleeker structure with a reduced footprint. The site plan below shows the location of the additional phone box to be removed:



Image 7: Site plan showing the location of the additional phone box which would be removed prior to commencement of the works

- 10.20 It is important also to quantify the number of existing pavement adverts adjoining the site, in order to assess the visual impact of the addition of the 2 illuminated advertisements in this location and any consequential visual clutter. Some 75m to the north of the site, outside number 184-186 Old Street, is an internally bus stop advert. There is also an Infocus telephone box outside number 169 Old Street which has a non-illuminated advertisement on its eastern elevation. Temporary advertisement consents to be displayed on the hoarding outside No 148 Old Street have also been granted consent and there is also large display of street art outside Steadman Court which is located 40m west of the site.
- 10.21 Whilst both the illuminated 6 bus stop adverts and the advertisement signs outside 148 Old Street would be visible when viewed from east of the site on Old Street, there is a visual gap of 75m between the application site and the bus stop advert. Furthermore the hoarding is temporary and is due to expire in February 2018. The Infocus advertisement and the street art are not visible at night. It is not considered for these reasons that the proposal when viewed from the east would result in unacceptable cumulative advertisement clutter. The boulevard of trees which runs along the north

side of Old Street would prevent the advert from being overly dominant and the proposal would result in no undue visual clutter when viewed from either direction.

- 10.22 It should also be noted in relation to clutter that a number of similar advertisement applications have been submitted to the council over recent months, some of which have been approved. Officers are aware of the advertisements which have been given approval but which have not yet been implemented and the location of these was a material consideration in the assessment of this application with regards to visual clutter. There are no approved but yet to be implemented illuminated advertisements within the vicinity of this application site
- 10.23 To avoid undue light spill, the intensity of the illumination of the advertisements would be secured by condition and would be 300 candelas per sqm between dusk and dawn and 2500 candelas during the day, in line with TfL guidance. The nearest residential occupiers are at first floor level at Ritson House. The proposed advertisements would be 5.7m from these flats and would not directly face the windows, being at right angles to them. The proposal, given these factors and with appropriate conditions restricting luminance, would not cause any undue light pollution to the adjacent occupiers.
- 10.24 Overall the proposed advertisement would be appropriate in size and design in this commercial context and would not result in undue light pollution to the adjacent occupiers, in compliance with the Advert Regulations and policies DM2.1 and DM2.6 of the Development Management Policies 2013.

Highways safety

- 10.25 The Advertisement Regulations state that factors relevant to public safety include the safety of persons using any highway; whether the display of the advertisement in question is likely to obscure or hinder the ready interpretation of any traffic sign and whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- 10.26 Development Management policy DM2.6 reflects these aims, stating the advertisements must contribute to a safe environment and must not cause a safety hazard to pedestrians or road users.
- 10.27 The proposed advertisements would be positioned on the footway so that, at their closest point, they would be no less than 5.7m from the vehicular carriageway. This distance is considered sufficient to avoid the structure creating a visual or physical obstacle for vehicle users. No sightlines or clearances would be affected.
- 10.28 The proposed advertisements, as secured by condition, would have no flashing illumination and would have an LED backlit display brightness which would be adjusted to suit the day/night ambient levels. Luminance candescence would be secured by condition and would be 300 Cd/m² at night. Night time levels of luminance are based on the luminance of other signs and surfaces such as floodlit buildings in the area. Furthermore, conditions are attached to restrict the display of moving images and visual effects and transitions, to ensure that the advertisements would not be unduly distracting to the drivers of passing vehicles.
- 10.29 There are no internally illuminated advertisement signs in the immediate locality that could cause confusion with the proposed sign and it therefore not considered to cause a hazard to road users.

- 10.30 The proposed advertisement would not conflict with any traffic signs, signals, crossing points, schools, hospitals or low bridges. There are no speed or security cameras in close proximity to the proposed signs. It is considered that drivers would not therefore be unduly distracted by the proposed sign which may cause public safety issues, nor would the advert obscure or hinder the ready interpretation of any traffic sign. In addition the geometry of the road is not complicated and the driving conditions are not considered to be demanding or complicated.
- 10.31 The proposed signage would be located adjacent to a bank of trees and would be set away from the main road. Highways have advised that they have no strategic transport objections in respect of bus operations, subject to conditions which reduce the impact of the proposals, which are attached.
- 10.32 The proposed link unit would be sited in the same location as the existing telephone box and would as such cause no additional hazards for pavement users. The structure would in fact have a smaller footprint than the existing phone box and would reduce pavement clutter and enhance pedestrian flow. In addition, the positioning of the proposal on the pavement would retain a clear footway width of 2.4m, in compliance with Highways standards.
- 10.33 Concern has been raised by the councils Lighting and Streetworks Team with regards to the 'proliferation' of similar advertisement applications which have been submitted to the local planning authority recently and the difficulty that this causes in properly assessing the cumulative impacts on highways obstruction grounds. This is a relevant concern and the authority has indeed dealt recently with a number of similar applications throughout the Borough. The locations of similar applications, which have been approved but not yet implemented, have formed an integral part of the assessment of this application. There are no advertisement applications which have been approved but not implemented within the vicinity of this site.
- 10.34 Highways raised no objections to the proposed advertisements, subject to conditions, and it is considered that the proposal would have an acceptable impact on the public's safe and unobstructed use of the pavement and carriageway. The proposal would comply with the Advert Regulations and Development Management policy DM2.6.

Other matters

- 10.35 It should also be noted that the councils Environmental Development and Projects team have raised concerns with regards to the proper maintenance of the Link Units themselves. Whilst these concerns are noted and the applicant in their Design and Access statement resolve to maintain the units on a regular basis, to condition this would be outside of the control of the planning authority in relation to the advertisement application. It is a condition of the consent however, for the purposes of maintaining the adverts themselves, the carriageway and footway must be kept clear.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The advertisement application has been assessed in terms of amenity and highways safety. Having taken into account the setting of the internally illuminated advertisement screens, their relationship to surrounding properties, proposed luminance levels, distance from existing heritage assets and impact on highways safety, the proposal is considered acceptable in this location.

- 11.2 As such, the proposed development is considered to accord with the policies in the London Plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

Conclusion

- 11.3 It is recommended that advertisement consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the grant of advertisement consent shall be subject to conditions to secure the following:

List of Conditions:

1	Ownership
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
2	Placement
	<p>CONDITION: No advertisement shall be sited or displayed so as to</p> <ul style="list-style-type: none">(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);(b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle. <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
3	Maintenance (visual amenity)
	<p>CONDITION: Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
4	Maintenance (safe condition)
	<p>CONDITION: Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>
5	Removal
	<p>CONDITION: Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>REASON: - As required by regulation 2(1) and Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.</p>

6	Luminance
	<p>CONDITION: The advertisement display shall be statically illuminated and the intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 300 candelas per square metre from dawn until dusk.</p> <p>The levels of luminance on the digital signs should be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.</p> <p>The advertisement displays shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
7	Display Time
	<p>CONDITION: The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
8	Visual Effects
	<p>CONDITION: No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image must not incorporate any fading, swiping or other animated transitional method. Any sequential change between advertisements will take place over a period no greater than one second.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
9	Special Effects
	<p>CONDITION: There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>
10	Installation and Maintenance
	<p>CONDITION: The footway and carriageway on the TLRN and SRN must not be blocked during the installation and maintenance of the advertising panel. Temporary obstruction during the installation must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians, or obstruct the flow of traffic.</p> <p>REASON: In the interests of highway safety.</p>
11	Removal of Existing Phone Boxes
	<p>CONDITION: The Development hereby permitted shall not be commenced until the existing BT phone boxes shown on Plan No: 02072516382 are removed in their entirety.</p> <p>REASON: In the interests of visual amenity and highway safety.</p>

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APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1. Legislation

The Town and Country Planning (Control of Advertisements) Regulations (2007)

2. The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

The National Planning Practice Guidance 2014 (online) is a material consideration which has been taken into account as part of the assessment of these proposals.

Other relevant guidance:

- Outdoor Advertisements and Signs: A Guide for Advertisers (June 2007)
- Transport London's Guidance for Digital Roadside Advertising (2013)
- Professional Lighting Guide 05: The brightness of illuminated advertisements (2015) – Institute of Lighting Professionals

3. Development Plan

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2016 - Spatial Development Strategy for Greater London

Policy 7.4 Local Character
Policy 7.6 Architecture

B) Islington Core Strategy 2011

Strategic Policies

Policy CS 7 – Bunhill and Clerkenwell
Policy CS 9 - Protecting and enhancing Islington's built and historic environment

C) Development Management Policies June 2013

Policy DM2.1 – Design
Policy DM2.6 - Advertisements
Policy DM8.2 – Managing transport impacts

4. Designations

Bunhill & Clerkenwell Core Strategy Key Area
Central Activities Zone
Local Cycle Route
Major Cycle Route
Finsbury Local Plan Area – Bunhill & Clerkenwell

5. SPD/SPGS

Urban Design Guide 2017

Finsbury Local Plan 2013
Streetbook 2012